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March 1, 2023

Via ECF

Hon. I. Leo Glasser
Senior United States District Judge
U.S. District Court, E.D.N.Y.
c/o United States Courthouse, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201-1818

Re: United States v. Lax (Motion to Purge Contempt)
(18-cv-4061)(ILG)

Dear Judge Glasser:

I write in response to the Government's February 23rd, 2023 letter responding to my letter seeking an order purging the non-party witness Martin Ehrenfeld's \$71,000 civil contempt penalty. Relying upon *New York State Organization for Women v. Terry*, 886 F. 3d 1339, 1353 [2nd Cir. 1989], Government counsel Samuel P. Jones, Esq. notes that the Government does not seek a "compensatory sanction," thereby leaving it to the Court's sound discretion how to treat the penalty mindful that it is predicated upon a coercive intent which has been achieved.

Against both that backdrop, and the United States Supreme Court's decision in *Timbs v. Indiana*, 586 U.S. ___, 139 S. Ct. 682 [2019]), that fines and penalties not be excessive, I respectfully urge the Court to appropriately reduce the penalty to a sum not to exceed \$10,000.

The basis for the sought downward modification is predicated upon the lack of discernible litigative prejudice, and the witness's underlying psychological issues which I previously raised by way of mitigation of penalty.

Finally, please advise if the aforesaid March 8th conference will be conducted in your courtroom, or remotely on Zoom.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roger Bennet Adler", written over a horizontal line.

Roger Bennet Adler

Attorney for Non-Party Witness Martin Ehrenfeld

RBA/gr
Cc:

Via ECF

Samuel P. Jones, Esq.

c/o United States Department of Justice, Tax Division

Via email

Mr. Martin Ehrenfeld